

REMARKS/ARGUMENTS

The Office Action dated August 25, 2009, has been received and carefully considered. In this response, claim 20 has been cancelled without prejudice. No new matter has been added. Entry of the cancellation of claim 20 without prejudice is respectfully requested. Reconsideration of the outstanding election/restriction requirement in the present application is also respectfully requested based on the following remarks.

I. THE ELECTION/RESTRICTION REQUIREMENT

On page 2 of the Office Action, the Examiner asserts that the present application contains claims directed to three patentably distinct species of the claimed invention: first embodiment directed to claims 1, as filed on June 19, 2009; second embodiment directed to claim 11, as filed on June 19, 2009; and third embodiment directed to claim 20, as filed on June 19, 2009.

The Applicant hereby respectfully traverses this election/restriction requirement and hereby requests that the Examiner reconsider and withdraw this election/restriction requirement. As required, however, the Applicant provisionally elects the first embodiment directed to claims 1-9, for prosecution in the event that this election/restriction requirement is made final.

Under 35 U.S.C. § 121, restriction is appropriate if two or more independent and distinct inventions are claimed in one application. As set forth in MPEP § 802.01, inventions are independent if there is no disclosed relationship between the two or more subjects disclosed, and inventions are distinct if two or more subjects as disclosed are capable of separate manufacture, use, or sale as claimed.

On page 3 of the Office Action, the Examiner fails to explain how three embodiments are distinct from each other. That is, all three embodiments are directed to a process for bonding/connecting processed semiconductor wafers which process glass pastes under

mechanical pressure. For example, claim 1 recites “conditioning and premelting of the glass pastes;” “geometrical alignment of the two wafers to be connected;” and “joining the wafers at a processing temperature of the glass pastes using a mechanical pressure.” Claim 11 also recites “conditioning of the glass pastes;” “geometrical alignment of the wafers to be bonded;” and “joining the wafers together at a processing temperature of the glass pastes using a mechanical pressure.” Thus, all three embodiments are related and are not independent from each other. Accordingly, Applicant respectfully submits that the election/restriction requirement is improper, and the withdrawal of such election/restriction requirement is respectfully requested.

Additionally, the Examiner has not shown that there would be a serious burden to examine all of the alleged inventions. *See* M.P.E.P. § 803. In fact, the Examiner has failed to show that any burden exists. Also, Applicant has already elected claims 1-8, 11-19, and 20 in response to the previous Election/Restriction requirement dated July 11, 2008. Moreover, the Examiner considered all of the elected claims 1-8, 11-19, and 20 in the subsequent Office Action dated December 19, 2008. Thus, Applicant respectfully submits that it would not have been a serious burden on the Examiner to examine the present application in its entirety, since the Examiner has already examined the present application before. Accordingly, Applicant respectfully requests that the Examiner withdraw the election/restriction requirement and allow Applicant to prosecute all claims (1-8, 11-19) in the present application.

II. CONCLUSION


In view of the foregoing amendments and arguments, Applicant respectfully submits that this application is now in condition for allowance. If the Examiner believes that prosecution and allowance of the application will be expedited through an interview, whether personal or telephonic, the Examiner is invited to telephone the undersigned with any suggestions leading to the favorable disposition of the application.

It is believed that all necessary fees are being charged for filing this Response. However, the Director is hereby authorized to treat any current or future reply, requiring a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. Applicant also authorizes the Director to charge all required fees, fees under 37 C.F.R. § 1.17, or all required extension of time fees, to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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